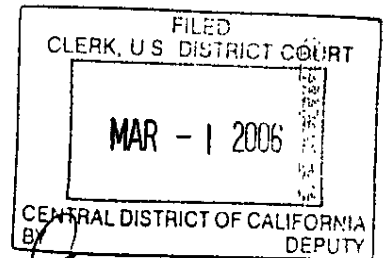


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7 Attorneys for Defendant
 8 RITA MARIE LAVELLE

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9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

12
 13 UNITED STATES OF AMERICA,
 14 Plaintiff,
 15 v.
 16 RITA MARIE LAVELLE,
 17 Defendant.
 18

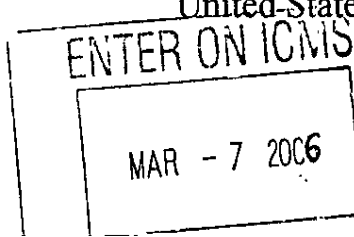
NO. CR 04-374-SJO
~~PROPOSED~~ ORDER

19
 20 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that in
 21 its position paper regarding the Ameline remand in this case, counsel is permitted to
 22 rely on arguments and evidence that were not part of the record at the time of the
 23 original sentencing in this case, so long as the arguments and evidence could have
 24 been developed at the time of the original sentencing. Specifically, the defense is
 25 permitted to rely on the report of the psychological evaluation of Ms. Lavelle.

26
 27 DATED: February 28 2006

28
 HONORABLE S. JAMES OTERO
 United States District Judge

Cc: USA
 PTB



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PROOF OF SERVICE

I, the undersigned, declare that I am a resident or employed in Los Angeles County, California; that my business address is the Office of the Federal Public Defender, 321 East 2nd Street, Los Angeles, California 90012-4202; that I am over the age of eighteen years; that I am not a party to the above-entitled action; that I am employed by the Federal Public Defender for the Central District of California, who is a member of the Bar of the United States District Court for the Central District of California, and at whose direction I served a copy of the **[PROPOSED] ORDER**.

On February 27, 2006, following ordinary business practice, service was:

☒ Placed in a closed envelope, for collection and hand-delivery by our internal staff, addressed as follows:

☐ By hand-delivery addressed as follows:

☐ Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

☐ By facsimile as follows:

Dorothy C. Kim
Assistant United States Attorney
United States Court House
312 North Spring Street, Suite 1304
Los Angeles, California 90012

This proof of service is executed at Los Angeles, California, on February 27, 2006.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.


Carmen I. Cardenas